

FILED
08 SEP -2 PM 2:27
RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 DANIEL CAI and TOM TANG

11
12 Plaintiffs,

13
14 vs.

15 CCL GROUP INC., DBA YOTAKA SUSHI
16 BAR & GRILL, EVELYN TANG & DOES 1
17 TO 10,

18 Defendants.

Case No.: C07-06444 JL

Consolidated with Case No. C06-7912 JL

DECLARATION OF GABRIEL PARTIDA
RE FAILURE TO SERVE CHAMBER'S
COPY

Date: September 3, 2008

Time: 9:30 a.m.

Location: Courtroom F

22 I, Gabriel Partida, declare:

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24 1. I am the Legal Assistant/Legal Secretary to Ronald S. Galasi, attorney at law and
25 am, indeed, his sole assistant.

26 2. On or about August 26, 2008, I electronically filed the Opposition to Plaintiff's
27 Motion to First Amended Complaint by CCL Group, Inc., and Evelyn Tang.
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DECLARATION OF GABRIEL PARTIDA RE FAILURE TO SERVE CHAMBER'S COPY

1 3. Although I dutifully electronically filed the documents, I inadvertently failed to
2 call the process server for this office and have him deliver such opposition documents to this
3 Court's chambers. Mr. Galasi did not know of my failure and he had presumed, I believe, that
4 this Court was properly served a chambers copy.


5 4. Mr. Galasi was called this morning by this Court's assistant and during such
6 conversation, she inquired of Mr. Galasi whether a chamber's copy had ever been served. Mr.
7 Galasi asked me and it was only then that I realized my mistake and advised Mr. Galasi of such
8 error.

9 5. I respectfully request that this Court excuse the inadvertence and negligence of
10 this office, and particularly of me, and allow this case to go forward on a hearing on the merits
11 of Plaintiff's Motion to Amend.

12 6. If called to testify as a witness in this case, I would and could truthfully testify as
13 to each and every allegation and statement made hereinabove.

14 I declare under penalty of perjury that the before-mentioned is true and correct to the
15 best of my knowledge and belief. Executed this 2nd day of September, 2008 in the City of
16 Burlingame, County of San Mateo, State of California.

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21 By:


Gabriel Partida
Legal Assistant/Legal Secretary
For RONALD S. GALASI, ESQ.